IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 2938 of 2005

Between:

H.B. Jairaj, S/o. Late B.R. Basavaraj, Business, R/o.H.No.3-5-575, Vittalwadi, Himayathnagar,Hyderabad, represented by his G.P.A. holder, Sri K. Ranga Rao, aged 40 yrs, Managing Partner of M/s. Royal Home Constructions, a Registered Partnership firm carrying on its business at MCH No.2-2-11119/4, Symphony Heights, Flat No.202, New Nallakunta, Hyderabad.

..... PETITIONER

AND

1 The Municipal Corporation of Hyderabad, Rep. by its Commissioner, Tank Bund Road, Hyderabad.
2 The District Collector, Hyderabad District, Nampally Station Road, Hyderabad.
3 The Joint Collector, Hyderabad District, Nampally Station Road, Hyderabad.
4 The Mandal Revenue Officer, Himayathnagar Mandal, Hyderabad, Hyderabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the 1st respondent herein to receive building application from the petitioner and consider the application of the petitioner for grant of permission to construct the building and development of the property without insisting on the production of copy of the NOC/TSLR certificate from the Respondents 2 to 4 in respect of the property house bearing No. 3-5-575 & 575/1, admeasuring 1053 sq. yards equivalent to 880.41 sq.mtrs. Situated at Vittalwadi,

Himayathnagar, Hyderabad and sanction the same as per the Provisions of Hyderabad Municipal Corporation Act, 1955.

Counsel for the Petitioner : MR.T.SUDHAKAR REDDY

Counsel for the Respondent No.1 : Sri Ganta Rama Rao

Counsel for the Respondent Nos.2 to 4 : GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER:

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Petitioner claims to have submitted an application on 19.03.2004, to the 1st respondent, for grant of permission to undertake construction in property bearing No.3-5-575 and 3-5-575/1 of Vittalwadi, Himayathnagar. On being insisted to obtain 'No Objection Certificate' (for short 'NOC') from the revenue authorities, petitioner submitted an application on 22.03.2004, before the Joint Collector, Hyderabad, the 3rd respondent. His grievance is that no action has been taken on such application so far, and contends that the 1st respondent is under obligation to process the application without insisting on submission of 'NOC'.

Heard the learned counsel for the petitioner and the learned standing counsel for the 1st respondent.

The question as to whether it is obligatory on the part of an applicant seeking permission to construct, to file 'NOC' from revenue authorities is no longer *res integra.* In ***HYDERBAD POTTERIES PRIVATE LIMITED V. COLLECTOR, HYDERABAD***, this Court held that it is not open to the municipal authorities to insist on submission of 'NOC' from revenue authorities. It was directed that in case the property is covered by town survey, the applicant shall be under obligation to file the extract of town survey land record.

Following the same, the writ petition is disposed of directing the 1st respondent to consider the application, without insisting on submission of 'NOC' from the revenue authorities. Petitioner shall, however, be under obligation to file the extract of town survey land record, in relation to the land on which the construction is proposed. It shall be open to the petitioner to make an application to the 4th respondent in prescribed form to furnish the extract of town survey land record, and the same shall be complied with by the 4th respondent, within two weeks form the date of submission. There shall be no order as to costs.

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(L.NARASIMHA REDDY,J)

Date: 09-03-2005

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To

1. The Commissioner, Municipal Corporation of Hyderabad, Tank Bund Road, Hyderabad.

2 The District Collector, Hyderabad District, Nampally Station Road, Hyderabad.

3. The Joint Collector, Hyderabad District, Nampally Station Road, Hyderabad.

4. The Mandal Revenue Officer, Himayathnagar Mandal, Hyderabad, Hyderabad District.

5. Two C.Cs. to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

6 Two C.D. copies.